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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,181	03/23/2004	Hiroshi Kaneda	P25086	2008
7055	7590	06/02/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			RIVERA, WILLIAM ARAUZ	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,181

Applicant(s)

KANEDA ET AL.

Examiner

William A Rivera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/23/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

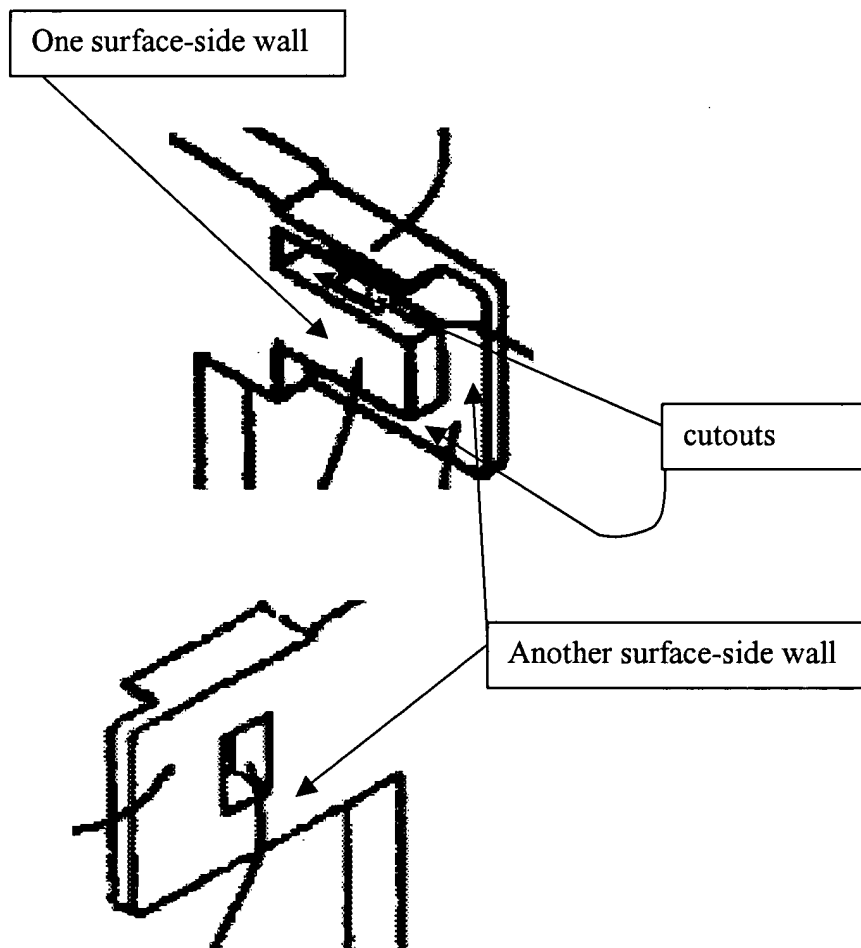
Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of Shima et al (U.S. Patent No. 6,702,216) in view of Satoh et al (U.S. Patent Application Publication No. 2004/0031871).

With respect to Claims 1-10, Shima et al, Figures 1-6, teach a door member 71 for a tape cartridge, the door member closing a tape outlet 12 formed in the tape cartridge 1 such that the tape outlet can be opened, the door member comprising: a door body in the form of a flat plate;

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and a spring-mounting portion 73 in the form of a flat plate, said spring-mounting portion extending from said door body and having one end face in which opens an insertion hole 75a formed therein for having a foremost end of a spring member inserted therein, one surface-side wall and another surface-side wall defining the insertion hole from an opening-side region of the insertion hole toward said end face to an innermost region of the insertion hole, cutouts being alternately formed in said one surface-side wall and said other surface-side wall, such that the cutouts communicate with the insertion hole.



Shima et al teaches all the elements of the spring mounting portion except for the spring-mounting portion having a protuberance. Satoh et al, Figure 3, teach a mounting portion having

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a protuberance 73. It would have been obvious to one of ordinary skill in the art to provide Shima et al with a protuberance, as taught by Sato, for the purpose creating a snap-fit mounting for the spring rather than having to thread the spring through the various mounting holes.

Claim Rejections - 35 USC § 103

Claims 1-2 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shima et al in view of Satoh et al.

With respect to Claims 1-2 and 5-10, Shima et al, Figures 1-6, teach a door member 71 for a tape cartridge, the door member closing a tape outlet 12 formed in the tape cartridge 1 such that the tape outlet can be opened, the door member comprising: a door body in the form of a flat plate; and a spring-mounting portion 73 in the form of a flat plate, said spring-mounting portion extending from said door body and having one end face in which opens an insertion hole 75a formed therein for having a foremost end of a spring member inserted therein, one surface-side wall and another surface-side wall defining the insertion hole from an opening-side region of the insertion hole toward said end face to an innermost region of the insertion hole, cutouts being alternately formed in said one surface-side wall and said other surface-side wall, such that the cutouts communicate with the insertion hole. Shima et al teaches all the elements of the spring mounting portion except for the spring-mounting portion having a protuberance. Satoh et al, Figure 3, teach a mounting portion having a protuberance 73. It would have been obvious to one of ordinary skill in the art to provide Shima et al with a protuberance, as taught by Sato, for the purpose creating a snap-fit mounting for the spring rather than having to thread the spring through the various mounting holes.

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Claims 1-2 and 5-10 are rejected under 35 U.S.C. 103(a) as being obvious over Shima et al in view of Satoh et al.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2). It would have been obvious to one of ordinary skill in the art to provide Shima et al with a protuberance, as taught by Sato, for the purpose creating a snap-fit mounting for the spring rather than having to thread the spring through the various mounting holes.

Allowable Subject Matter

Claim 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A Rivera whose telephone number is 571-272-6953.

The examiner can normally be reached on Monday to Friday - 7:30 to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**WILLIAM A. RIVERA
PRIMARY EXAMINER**

May 26, 2005